

The PRESIDING OFFICER. The Senator from Montana.

NOMINATION OF BRETT KAVANAUGH

Mr. DAINES. Madam President, I come to the floor to discuss one of the most significant responsibilities I have as a U.S. Senator; that is, providing advice and consent to the President's nominee to the Supreme Court.

I just had the privilege of hearing from my distinguished colleague Senator HATCH, Chairman and President Pro Tempore HATCH. I have heard about the scandals: He drives a minivan. He goes to church on Sunday. For heaven's sake, he is a Redskins fan?

I applaud the chairman for frankly sharing perspective around some of the ludicrous arguments being made by the other side about moving forward with an outstanding nominee for the U.S. Supreme Court, Judge Kavanaugh.

Confirming a Supreme Court Justice is a lifetime appointment. Laws come and go, but judges stay on the bench for a lifetime. So it is critical that we confirm the right person to serve on our Nation's highest Court.

The American people want a Supreme Court Justice with impeccable academic credentials—someone who does not legislate from the bench but upholds the rule of law and follows the Constitution.

A few weeks ago, I had the pleasure of meeting Judge Kavanaugh in my office. I can say, without a doubt, Judge Kavanaugh should be and is ready to be our next Supreme Court Justice. Judge Kavanaugh is one of the most qualified people to ever be nominated to the U.S. Supreme Court. You may hear from the other side that he is out of the mainstream. That is simply not true. In fact, the Supreme Court has adopted Judge Kavanaugh's reasoning more than a dozen times. This gives him one of the most impressive records of any Federal appellate judge and hardly places him outside of the mainstream.

During my meeting with Judge Kavanaugh, we had a very thoughtful discussion about the Founders' vision and intent when they crafted the Constitution. We discussed the separation of powers. We discussed the importance of the Second Amendment. Just as he does with his rulings on the court, Judge Kavanaugh did not focus on his personal opinions but rather he brought it back to the text of the Constitution and the historical understanding required. That is exactly what we need on the Bench from our highest Court.

I want to thank President Trump for nominating such an outstanding and well-qualified jurist. I would also like to thank Chairman GRASSLEY for committing to a fair and transparent process for moving Judge Kavanaugh through this process so that he can be confirmed prior to the Supreme Court's October term.

I am most confident that Judge Kavanaugh will serve well. I look forward to casting my vote to confirm him.

I yield back my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT

Mr. NELSON. Madam President, I am here to call on the Senate leadership to bring up the Water Resources Development Act, or the WRDA bill. It needs to come up soon for consideration because right now, in Florida, we are facing a massive environmental and economic crisis, and it is so sweeping that it brings up the memories of the 2010 Deepwater Horizon oilspill, or the BP oilspill.

Right now, neon green slime is clogging the Caloosahatchee River on the west coast, and the St. Lucie River on the east. I have been to Stuart on the east coast. I have smelled the stench of toxic algae choking the waterways. I have talked to mothers and grandparents who are worried about exposing their children to the harmful toxins, and they are concerned about this if they get anywhere near there. That is why we wrote to the CDC, asking for healthcare guidance.

I have met with business owners who have literally had to close their shops because of the algae. If they are fishing boat captains, obviously, that is what happens. If it is a bait and tackle shop—you get the picture. If the stench of algae is so bad in the location of a shop—whatever its business—they still have to close. It is not right. It is not fair for the hard-working fishing guides, the restaurant employees, or anybody who has a business involving our beautiful beaches. People enjoying the natural bounty are all being affected through no fault of their own. That is on the east coast.

On the west coast of Florida, our white sand beaches aren't as crowded with tourists, but with what? The rancid corpses of fish. This is the pufferfish. This is on one of Southwest Florida's beaches. The turtles are casualties from massive, noxious red tide. This event—a bacteria that occasionally appears in the Gulf of Mexico has moved very close to the shore this year. It has lasted for 10 months and counting. Hotels and restaurants are half full. Boat captains are facing one cancellation after another. Look at this. This is on a beach where 267 tons of dead fish and sea life have been removed from about 150 miles of Florida's world-renowned beaches, and that is just this year alone.

These pictures are horrifying enough, but go there; it is even worse in person. The local governments have spent a lot of money going out and cleaning up the beaches. What has happened is absolutely heartbreaking. I am a fifth-generation Floridian, and I have never seen it this bad.

I have never seen our beautiful beaches covered like this. That is why Senator RUBIO and I are pushing so hard for the Water Resources Development Act. It includes a critical project to address the algae by providing additional water storage for Lake Okechobee so that the Army Corps doesn't have to discharge so much to the east and west.

It also, very importantly, authorizes a reservoir south of Lake Okechobee, along with stormwater treatment areas, which can help clean up the water so that they can send the water into the reservoir that is in the St. Lucie on the east. This reservoir is on the west, near LaBelle. They can send the water there, store it, start to treat it, and then let it go as the natural flow going south to the Everglades. This project in the Water Resources Development Act is part of the historic Everglades restoration effort that many of us have worked so long and hard to advance. It is just one piece, but it is one that absolutely cannot wait. If we don't act soon, I am afraid there will not be much of an environment in South Florida left to save.

I urge the majority leader to schedule a vote on the WRDA bill as soon as possible, and I urge my colleagues to support the Water Resources Development Act when it comes to the floor of the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. SULIVAN). The Senator from Rhode Island.

UNANIMOUS CONSENT AGREEMENT

Mr. WHITEHOUSE. Mr. President, because the time between now and 11:30 is to be shared between me and the ranking member on the Finance Committee, Senator WYDEN, I ask unanimous consent that when Senator WYDEN appears, I yield the floor to him; that at the conclusion of his remarks, I be recognized to conclude my remarks; and that in the RECORD, my remarks be consolidated after Senator WYDEN's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILDFIRES

Mr. WYDEN. Mr. President, I thank Senator WHITEHOUSE not just for today, as we talk about wildfires, but because, year after year, he has been on this floor, prosecuting the consequences—playing out the consequences of the failure of dealing with climate change. Certainly, it is hotter and dryer in the West. What I am going to do is to spend some of this short period we have together in describing these wildfires.

They are not your grandfather's wildfires. They are bigger, they are hotter, and they are more powerful.

In my home State last summer, we saw a fire leap the Columbia River. The Columbia River has always been a break in terms of fire, and the fire just leaped over it. We are seeing that around the country. It is getting worse. The fires are so bad today and the smoke is so thick that people in my home State are fleeing their communities to find pockets of breathable air. In Portland, residents are being warned against spending time outside and are being advised to wear respirators if they must. Those without homes to provide safe air are being told to seek shelter from the smoke in public places, like libraries and government buildings.

So I would say to my friend and to the Presiding Officer, who is also a westerner and a friend, that this is not the stuff of fiction. This is real life—right now—for communities across the West that are just getting clobbered by fire. This is climate change at work.

As Senator WHITEHOUSE and I speak today, there are more than 100 large wildfires that are destroying homes and businesses across Oregon and the West, burning almost 1.8 million acres. Farmers have watched as crops have burned to the ground. Families who are located in evacuation zones have fled their homes. Choking smoke throughout my State has left children and seniors afraid to go outside, and schools have canceled sporting events because of the unhealthy air quality.

I remember when I began in public service that westerners would prepare for individual fire seasons and that some would be a bit worse than others. Yet now we are basically in a situation in which we have infernos raging throughout the year. In California, for example, the Thomas fire set the all-time record—wouldn't want to have it—as the State's largest recorded wildfire in December. It was not exactly a Christmas gift. The record didn't stand long, as my colleague just mentioned last week's fire in Mendocino.

In Oregon, the Taylor Creek fire and the Garner Complex fire led agencies to issue evacuation notices to more than 1,000 people. This is the second year in a row that the air quality in southern Oregon has ranked among the worst in the Nation. When I was driving to southern Oregon recently in order to get a briefing from fire officials, the smoke, in effect, was going north, drifting 100 miles north of Medford. In my hometown of Portland, now—this week—air is at unhealthy levels.

Fires have gotten so big that the plumes of thick, choking smoke have shown up on NASA's satellite images from space. My colleague and I served on the Intelligence Committee together, and I think, increasingly, we are going to see folks at the Forest Service and at weather agencies who will be interested in a lot of those kinds of satellite opportunities in order

to get a better handle on the dimensions of the problem. A huge portion of my State is blanketed with smoke, and this is taking place when hikers, fishermen, rafters, and guides, along with countless tourists from around the country, ought to be enjoying the outdoors. Talking about economic consequences, recreation has become a big economic engine in the West.

I am very pleased to have been the sponsor of a bill with Chairman ROB BISHOP, who I think would be pleased if I called him one of the most conservative Members of the other body. Our bill is called the RNR bill, Recreation Not Red-Tape. It is just sensible suggestions for putting permitting information online—those sorts of things.

It is pretty hard to recreate in the West, Senator SULLIVAN, if everything is burning up. It is pretty hard to really cap the potential of this extraordinary new recreation engine, but right now dangerous fires and unhealthy smoke are blocking recreation opportunities for folks in the West to get outside. It is an economic nightmare, in addition to being a danger to life and property.

We don't remember wildfires this catastrophic happening 30 years ago, and people want to know why. My view is it is not a coincidence that the megafires now happen routinely and are getting bigger, and a significant factor in this is climate change.

According to research by Oregon State University, our average temperature has increased by more than 2 degrees over the past century. Last week, the National Weather Service issued an excessive heat warning for the Willamette Valley, advising that the heat could touch 100 degrees. This is not Death Valley. The Presiding Officer knows our area. We don't get roasted by triple-digit heat—or we didn't used to. But we are today.

The National Oceanic and Atmospheric Administration announced that the contiguous United States experienced the warmest July in recorded history. The temperature hikes bake forests and landscapes. They dry out materials, and they are magnets—magnets—for fuel for the infernos. Yet the Trump administration, as Senator WHITEHOUSE has talked about, seems to be working overtime to say that this isn't a problem.

For starters, the President pulled the United States out of the Paris climate agreement, which would make us the only country to reject it. Senator WHITEHOUSE knows more about this than any other Senator. What I was particularly troubled about is that the arguments they made weren't tethered to the facts. They kept saying that there were all kinds of mandates in the agreement. As my colleague knows, there really aren't. It is voluntary. There is a wide berth for countries to pursue strategies that make sense for them.

It is not just pulling out of the international agreement. At the Depart-

ment of the Interior, Secretary Zinke is doing everything he can to roll back environmental protections.

I say to my colleague: I was one who voted for Secretary Zinke. He said that he was going to be a Roosevelt Republican. The Presiding Officer would be interested in this. He said that nine times in his hearing in the Energy and Natural Resources Committee. I thought, he is a Duck; he said he was a football player. I was a basketball player. I would give it a shot. I now consider that one of the worst votes I have cast in my time in public service because he is doing everything he can to roll back environmental protections, giving oil and gas executives free rein to exploit public lands, and he is putting an end to commonsense regulations to curb emissions of methane, a dangerous greenhouse gas.

The story doesn't get better at the Energy Department. They are there wrapping themselves into a legal pretzel to figure out how to waste taxpayer money to prop up the coal industry, an energy source whose costs are too great for the market to bear.

Over at the EPA, the Environmental Protection Agency, they are rolling back fuel standards for cars. That is a double loser. It is bad for the environment and bad for the consumers who are going to have to pony up \$1 trillion more at the pump. While the Federal Government is abandoning leadership, they are also browbeating the States to do the same thing.

The Trump administration now threatens California's ability to set its own air quality standards under the Clean Air Act, which affects 12 other States, including Oregon. How many times, colleagues, have we heard Senators come to the floor of the Senate and virtually pound on their chests and say that the States are the laboratories of democracy?

Basically, on climate change, Senator WHITEHOUSE, what the Trump administration is saying is that they are for State's rights if they think the State is right. That is their position on climate change. It is clear that we are not seeing any real movement from the Trump administration.

Two weeks ago, the President tweeted several times that water from Northern California is being diverted to the Pacific Ocean rather than being used for firefighting. State officials and Republicans—California veteran Republicans—essentially said that this was nonsense. When the President's press office was asked about the tweet, really, they went completely silent.

The megafires are the new normal, so westerners are going to have to embrace new, cooperative, and collaborative ways of dealing with the effects of climate change. Our priority ought to be to work with the States. Government at all levels should continue to develop more efficient, low-carbon energy technologies, renewables, and energy storage. It is a winner all around for Oregon, the West, and our country.

Not only are solar and wind cleaner, they are also cheaper than a number of the plants that burn fossil fuels.

What we said in our tax reform bill is that there are more than 40 separate breaks in energy, many of them just monuments to yesteryear. We proposed throwing them in the trash can. Out they go, \$40 billion worth over a few years, substituting the \$40 billion for clean energy, clean transportation fuel, and energy efficiency. That is going to be in line with what Senator WHITEHOUSE has said, which is that America can get more green for less green, or fewer taxpayer dollars.

I very much appreciate my colleague coming to the floor today. I want to close with just one point. More than any other factor of my time in public service—I think I have discussed this with both the Presiding Officer and Senator WHITEHOUSE—what I have been interested in finding is what I call principled bipartisanship. Bipartisanship is not about Republicans and Democrats taking each other's dumb ideas. Anybody can do that. Then you can pat yourself on the back and say: Oh, my goodness, we are being bipartisan. What it is all about is finding good ideas.

What Senator WHITEHOUSE has done—and, boy, do the fires in the West right now convey the urgency; in effect, he has tried to take markets, marketplace forces, and fuse them together with the best environmental practices we know of. Both sides ought to find that pretty attractive. Conservatives can say: Senator WHITEHOUSE is talking about using marketplace forces—and he has attracted some pretty prominent Republicans to his ideas, as well—and Democrats can say: We are not going to dawdle in terms of trying to improve the environment, and we are not going to turn back the clock on environmental practices.

I very much appreciate Senator WHITEHOUSE's leadership. I am going to have to run off to another meeting. I will just say that I appreciate his including me.

I say to my colleagues: It might not be that wildfires are happening in your State this morning, but climate change affects every single American in one way or another, and we have to find a way to create a bipartisan path to address this growing harm.

With thanks to Senator WHITEHOUSE, I yield the floor.

WILDFIRES AND CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, it is terrific to be joined here today by my colleague from Oregon, Senator WYDEN, to address some of the devastating effects of a changing global climate from the shores of Rhode Island and our beautiful Narragansett Bay to the forests of southern Oregon.

Rhode Island is looking at losing significant territory to storms and sea level rise. Oregon is seeing ancient forests go up in smoke. For most of the

country, this summer has been a scorcher. July was nearly 2 degrees Fahrenheit above average, and, before that, the contiguous United States experienced its hottest May and third hottest June on record.

It is oceans too. Just last week, the Rhode Island organization Save the Bay recorded ocean surface temperatures in Little Narragansett Bay, off the coast of Westerly, RI, at nearly 80 degrees Fahrenheit—the highest in over a decade of data and, perhaps, the highest ever in Rhode Island's history.

The National Oceanic and Atmospheric Administration recently released its report “State of the Climate in 2017.” The 500 scientists from 65 countries who contributed to this peer-reviewed report, which was published in the Bulletin of the American Meteorological Society, reported ominous records broken: the concentration of carbon dioxide in our atmosphere, a new high; heat in the upper ocean, a new high; sea level rise, a new high; sea ice coverage in the Arctic and in Antarctica, both new all-time lows and all headed in the wrong direction.

Out West, the NOAA report called out 2017 as an extreme western wildfire season that burned over 4 million hectares. The total costs of \$18 billion tripled the previous U.S. annual wildfire cost record set in 1991.

Right now, in the summer of 2018, blazing temperatures and drought conditions have contributed to wildfire outbreaks worldwide in the U.S., Canada, Australia, South America, Europe, Asia, and Africa. The raging Mendocino Complex fire recently became the largest wildfire in the history of the State of California, the previous record being last year's Thomas fire.

Mr. President, I again want to thank the distinguished ranking member on the Finance Committee, and I salute his years of passion on environmental issues and in the defense of his State, which is now suffering so many fires.

We actually have an answer to the question that Senator WYDEN proposed rather rhetorically—why this is happening out in the Mendocino fires, for instance. The assistant deputy director of Cal Fire, Daniel Berlant, who is at the state department of forestry and fire protection, has said this: “Let's be clear: It's our changing climate that is leading to more severe and destructive fires.”

Climate change has doubled the area consumed by forest fires since 1984. According to a report by Climate Central, “[c]ompared to the 1970s, the annual average western U.S. wildfire season is now 105 days longer, has three times as many large fires (larger than 1,000 acres) and sees more than six times as many acres burned.”

Not only are these fires becoming larger, they are becoming more dangerous. They burn hotter and more intensely. They spread more rapidly and shift unpredictably, putting firefighters at risk.

A 2015 study in The Solutions Journal found that, as compared to 1990,

fires are now larger, three times as many homes are burning, and around twice as many brave firefighters are losing their lives.

The Federal Government's “Climate Science Special Report,” released late last year, warned that years without large fires in the western United States will become what they called “extremely rare.” Years without these large fires will become “extremely rare.”

The Environmental Protection Agency warns that unless we curb our greenhouse gas emissions, “climate change is projected to dramatically increase the area burned by wildfires across most of the contiguous U.S.” The Agency estimates for the western United States a more than 40-percent increase in the area burned by wildfires by 2100, and the amount of land in the Southwest burned each year by fires, including Arizona, New Mexico, and Texas, could go up by as much as 140 percent.

These more frequent and more ferocious wildfires are leaving permanent scars on America's landscape. Ordinarily, wildfires are part of the natural lifecycle of a healthy forest, but, as Senator WYDEN said, these are not our grandfather's wildfires. The intensity, frequency, and scale of the infernos we are now seeing reflect nature out of whack. Instead of clearing dead trees and groundcover to make room for healthy trees and rebirth of plant life, these superstrong wildfires are simply destroying these ecosystems.

The National Wildlife Federation's 2017 report, ominously titled “Megafires,” says: “If hot enough, extreme fires can even sterilize the soil by killing subsurface seed banks that normally aid in post-fire recovery.” Some native environments are permanently lost to charred landscapes and invasive species.

A 2017 study reported in the journal Science found that “thanks to climate change, areas ravaged by wildfires may never recover, wiping out entire ecological communities forever.” This review of areas ravaged by wildfires showed that “the proportion of sites with no regrowth almost doubled after 2000” as compared to the 1980s or 1990s.

Of course, the consequences of these fires to human life are dire. Fourteen people died in last year's wildfires in California, Mississippi, Missouri, Montana, New Mexico, Oklahoma, and Utah.

The risk doesn't end with the flames. After last year's devastating fire in California, when rain finally returned to the area, but without trees and other plants to hold the soil in place, the downpours unleashed torrents of mud, rocks, and debris, killing more than 20 people. The Centers for Disease Control estimates that 25 to 30 people die each year in postfire floods and mudslides.

As Senator WYDEN mentioned, air pollution is another consequence of these wildfires, and it can spread far